

APPEAL NO. 023227
FILED FEBRUARY 12, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on October 30, 2002. The hearing officer determined that the appellant (claimant) is not entitled to supplemental income benefits for the 14th compensable quarter. The claimant appeals the determinations on sufficiency of the evidence grounds. The respondent (carrier) responds, arguing first that the Appeals Panel does not have jurisdiction as the claimant's appeal is untimely, and in the alternative, that the hearing officer be affirmed.

DECISION

The decision and order of the hearing officer have become final pursuant to Section 410.169.

A written request for appeal must be filed within 15 days of the date of receipt of the hearing officer's decision, excluding Saturdays, Sundays, and holidays listed in the Texas Government Code. Section 410.202(a) and (d). Texas Workers' Compensation Commission (Commission) records indicate that the hearing officer's decision was mailed to the claimant on November 13, 2002. In his appeal, the claimant wrote that he received the decision on November 15, 2002. Given the applicable statutory provisions, the last date for the claimant to timely file an appeal was December 10, 2002. In the certificate of service, the claimant indicates that he sent his appeal on December 6, 2002.¹ However, the facsimile information at the top of the document suggests that it was faxed to the Commission December 21, 2002, although the Commission stamped the document as received December 20, 2002. The appeal is, under either circumstance, therefore, untimely.

¹ We note that the carrier alleges that it received the claimant's appeal on December 31, 2002, in an envelope postmarked December 27, 2002.

The appeal being untimely, the jurisdiction of the Appeals Panel was not properly invoked and the decision and order of the hearing officer has become final pursuant to Section 410.169.

The true corporate name of the insurance carrier is **HIGHLANDS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOHN WADE COWLEY
STEPHEN LEE KIBBLEHOUSE
10370 RICHMOND AVENUE
HOUSTON, TEXAS 77042-4123.**

Terri Kay Oliver
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Panel
Manager/Judge

Edward Vilano
Appeals Judge